

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

February 4, 2021

The Honorable Tommy Hazouri, President
The Honorable Michael Boylan, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2021-10**

Dear Honorable Council President Hazouri, Honorable Council Member and LUZ Chairperson Boylan and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve**

Planning Commission Recommendation: **Approve**

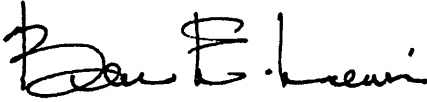
Planning Commission Commentary: There were no speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 6-0

Joshua Garrison, Chair	Aye
Dawn Motes, Vice Chair	Absent
David Hacker, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Absent
Ian Brown	Aye
Alex Moldovan	Aye
Jason Porter	Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads "Bruce E. Lewis". The signature is written in a cursive style with a large initial "B" and "L".

Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7820
blewis@coj.net

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING 2021-0010

FEBRUARY 4, 2021

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning 2021-0010

Location: 1033 Edgewood Avenue
Between Cypress Street & Antisdale Street.
Portion of property fronting Cypress Street

Real Estate Numbers: portion of 061411-0010

Current Zoning: Residential Low Density-60 (RLD-60)

Proposed Zoning: Commercial Community/General-1 (CCG-1)

Current Land Use Category: Low Density Residential (LDR)

Proposed Land Use Category: Community/General Commercial (CGC)

Planning District: Northwest, District 5

Applicant / Agent: Cyndy Trimmer, Esq.
Driver, McAfee, Hawthorne, & Diebenow PLLC
1 Independent Drive, Suite 1200
Jacksonville, FL 32202

Owner: Oxbow Jax LLC
8650 Old Kings Road South, Suite 12
Jacksonville, FL 32217

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Rezoning 2021-0010 seeks to rezone approximately 0.18 acres of Residential Low Density-60 (RLD-60) to Commercial Community/General-1 (CCG-1). The entirety of the property located at 1033 Edgewood Avenue is split zoned; RLD-60 on the northeast side and CCG-1 on the north-west and southern portion. The property is also located in split Land Use Categories; CGC and LDR.

The applicant is requesting to rezone the RLD-60 portion of the property to CCG-1 in order to bring the lot into a commercial zoning district that is compatible with the existing development of

the property and adjoining parcels to the south and west. The portion of the property being rezoned is developed with a parking lot. The parking lot services the structure on the property, which was built in 1950 and is classified as an Office by the Property Appraiser. The proposed rezoning is bringing a legal non-conforming property into conformance with a compatible commercial zoning district and Land Use Category.

There is a companion Land Use Amendment, L-5499-20C (2021-0009) to change the land use category from LDR to CGC to be compatible with the requested CCG-1 zoning district and be compatible with the existing use.

Because the property is used for commercial purposes and abuts a residential use on the eastern property line there should be an uncomplimentary use buffer. Sec. 656.1216. - Buffer standards relating to uncomplimentary land uses and zoning, defines the buffer requirements for this property.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to Section 656.125 of the Zoning Code, an applicant for a proposed rezoning bears the burden of proving, by substantial competent evidence, that the proposed rezoning is consistent with the City's comprehensive plan for future development of the subject parcel. In determining whether a proposed rezoning is consistent with the 2030 Comprehensive Plan, the Planning and Development Department considers several factors, including (a) whether it is consistent with the functional land use category identified in the Future Land Use Map series of the Future Land Use Element; (b) whether it furthers the goals, objectives and policies of the Comprehensive Plan; and (c) whether it conflicts with any portion of the City's land use regulations. Thus, the fact that a proposed rezoning is permissible within a given land use category does not automatically render it consistent with the 2030 Comprehensive Plan, as a determination of consistency entails an examination of several different factors.

1. Is the proposed rezoning consistent with the 2030 Comprehensive Plan?

Yes. The subject site is located at 1033 Edgewood Avenue, a collector roadway, with frontage on Cypress Street, a local roadway and within the LDR land use category and Urban Development Area. The 0.18 of an acre site is part of a larger parcel that fronts Edgewood Avenue with an existing commercial building that was formerly used for a beauty school. The property is currently being used for parking for the associated larger parcel. The rezoning site is a nonconforming use within the current RLD-60 zoning district and land use designation of Low Density Residential (LDR). The proposed amendment to CGC and rezoning to CCG-1 would unify the land use and zoning with the larger parcel and allow for the current use of the property.

According to the Category Description of the Future Land Use Element (FLUE), CGC in the Urban Area is intended to provide compact development in nodal and corridor development patterns, while promoting the advancement of existing commercial land uses and the use of existing infrastructure. Development that includes residential uses is preferred to provide support for commercial and other uses.

2. ***Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?***

Yes. This rezoning is supported by the following Objectives and Policies of the Future Land Use Element (FLUE) of the 2030 Comprehensive Plan:

Objective 3.2

Continue to promote and sustain the viability of existing and emerging commercial and industrial areas in order to achieve an integrated land use fabric, which will offer a full range of employment, shopping, and leisure opportunities to support the City's residential areas.

The request for rezoning is to bring the commercial parking lot into a commercial zoning district with a commercial land use category. The parking lot is a part of the parcel that has a commercial building on it. The parking lot has existed for several decades.

Policy 3.2.4

The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

To promote this Policy the property owner will need to provide proper buffering from the residential use to the east. The proposed rezoning is a intensified zoning district and appropriate for the existing use, however; the buffering will make the transition complete and bring the property into total compliance. Buffering for the property is found in Sec. 656.1216 (b) of the Zoning Code.

3. ***Does the proposed rezoning conflict with any portion of the City's land use regulations?***

No. It is the opinion of the Planning and Development Department that the proposed rezoning will not be in conflict with any portion of the City's land use regulations. The proposed zoning district would be compatible with the adjoining properties to the west and south which is general character of the surrounding area. Additionally, currently the west portion of the subject parcel is zoned CCG-1; the rezoning of the northeastern portion of the parcel will allow the parking to be under a commercial zoning district that is compatible with the proposed CGC land use category.

SURROUNDING LAND USE AND ZONING

The subject property is located on the south side of Cypress Street, just east of Post Street. The surrounding uses, land uses, and zoning districts are as follows:

<u>Adjacent Property</u>	<u>Land Use Category</u>	<u>Zoning District</u>	<u>Current Use(s)</u>
North	CGC	CCG-1	Retail & Storage
East	LDR	RLD-60	Single-Family Dwelling
South	CGC	CCG-1	Church
West	CGC	CCG-1	Gas Station

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on January 26, 2021, the required Notice of Public Hearing signs were posted:



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning 2021-0010 be **APPROVED**.



Aerial



Subject Property

Source: Staff, Planning and Development Department
Date: 1/26/2021



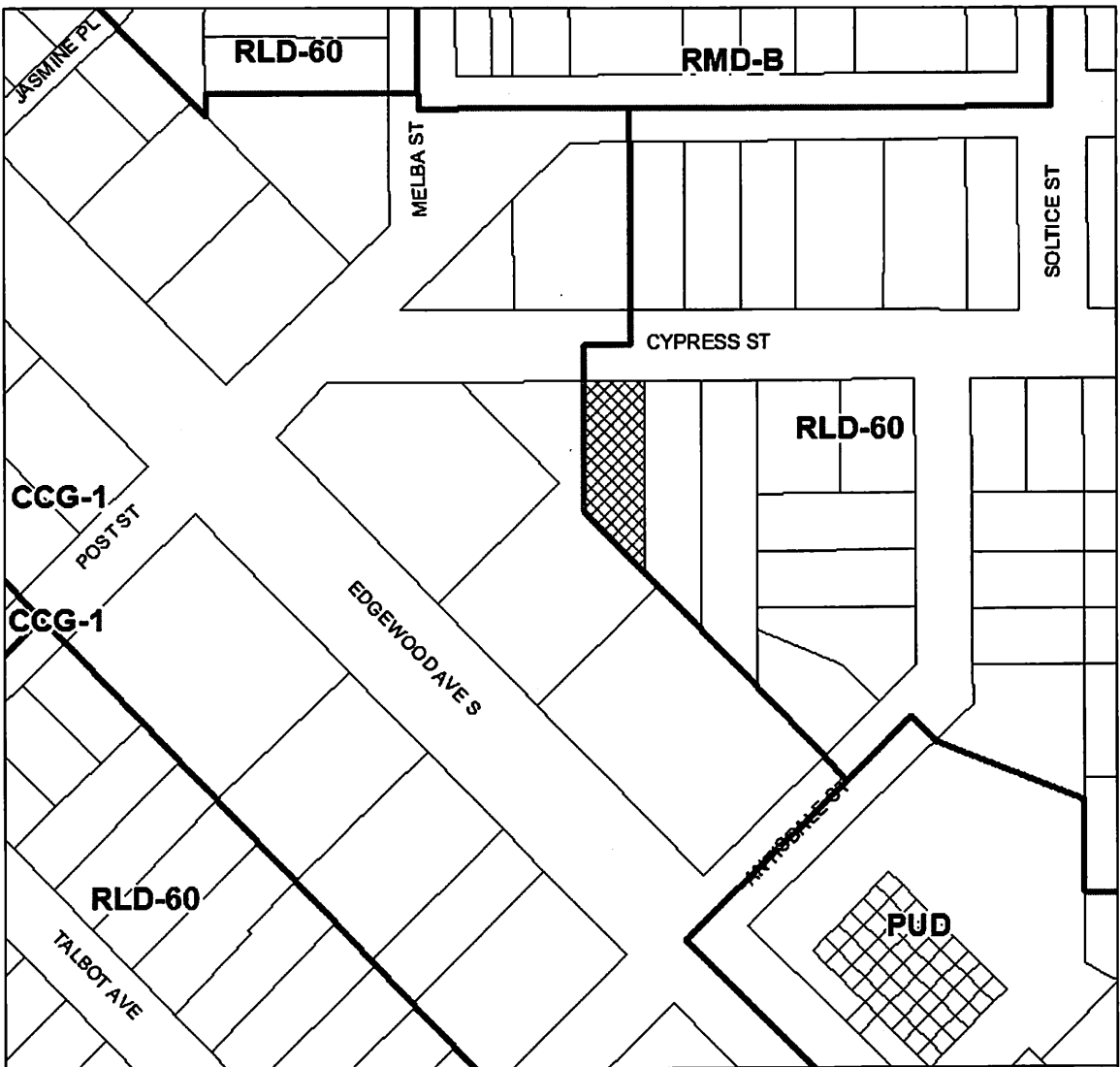
Property to the west: Gas Station

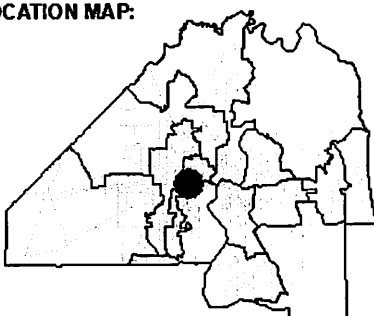
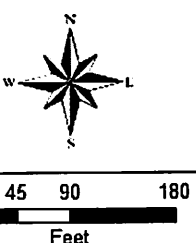
Source: Staff, Planning and Development Department
Date: 1/26/2021



Property across Edgewood Avenue: Commercial Shopping Center

Source: Staff, Planning and Development Department
Date: 1/26/2021



<p>REQUEST SOUGHT:</p> <p>FROM: RLD-60</p> <p>TO: CCG-1</p>	<p>LOCATION MAP:</p> 	 <p>0 45 90 180 Feet</p>
<p>ORDINANCE NUMBER ORD-2021-0010</p>	<p>TRACKING NUMBER T-2020-3245</p>	<p>COUNCIL DISTRICT: 14</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2021-0010 Staff Sign-Off/Date CMQ / 11/19/2020
 Filing Date 01/12/2021 Number of Signs to Post 2
 Hearing Dates:
 1st City Council 02/09/2021 Planning Commission 02/04/2021
 Land Use & Zoning 02/17/2021 2nd City Council 02/23/2021
 Neighborhood Association MURRAY HILL PRESERVATION ASSOC.; MURRY HILL
 Neighborhood Action Plan/Corridor Study

Application Info

Tracking # 3245 Application Status PENDING
 Date Started 11/13/2020 Date Submitted 11/13/2020

General Information On Applicant

Last Name First Name Middle Name
 TRIMMER CYNDY
 Company Name
 DRIVER, MCAFFEE, HAWTHORNE AND DIEBENOW, PLLC
 Mailing Address
 1 INDEPENDENT DRIVE, SUITE 1200
 City State Zip Code
 JACKSONVILLE FL 32202
 Phone Fax Email
 9048070185 904 CKT@DRIVERMCAFFEE.COM

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name First Name Middle Name
 N/A N/A
 Company/Trust Name
 OXBOW JAX LLC
 Mailing Address
 8650 OLD KINGS RD S STE 12
 City State Zip Code
 JACKSONVILLE FL 32217
 Phone Fax Email
 9043011269

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s)

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 061411 0010	14	5	RLD-60	CCG-1

Ensure that RE# is a 10 digit number with a space (##### #)

Existing Land Use Category

Land Use Category Proposed?

If Yes, State Land Use Application #

Total Land Area (Nearest 1/100th of an Acre) 0.18

Justification For Rezoning Application

APPLICANT SEEKS TO REZONE A PORTION OF THE PROPERTY FROM RLD-60 TO CCG-1 TO UNIFY THE ZONING ON THE PROPERTY AND BRING IT INTO COMPLIANCE WITH THE CURRENT CODE.

Location Of Property

General Location
 SOUTHEAST OF THE CORNER OF EDGEWOOD AVE S AND POST ST
 House # Street Name, Type and Direction Zip Code
 1033 EDGEWOOD AVE S 32205
 Between Streets

CYPRESS ST

and ANTISDALE ST

Required Attachments For Formal, Complete application

The following items must be attached to each application in the order prescribed below. All pages of the application must be on 8½" X 11" paper with provision for page numbering by the staff as prescribed in the application instructions manual. Please check each item below for inclusion of information required.

Exhibit 1 A very clear, accurate and legible legal description of the property on the form provided with application package (Exhibit 1). The legal description (which may be either lot and block or metes and bounds) should not be a faint or distorted copy that is difficult to read or duplicate.

Exhibit A Property Ownership Affidavit – Notarized Letter(s).

Exhibit B Agent Authorization - Notarized letter(s) designating the agent.

Supplemental Information

Supplemental Information items are submitted separately and not part of the formal application

One copy of the Deeds to indicate proof of property ownership.

Public Hearings And Posting Of Signs

No application will be accepted until all the requested information has been supplied and the required fee has been paid. Acceptance of a completed application does not guarantee its approval by the City Council. The applicant will be notified of public hearing dates on this application upon the filing of the application. The applicant or authorized agent **MUST BE PRESENT** at the public hearings. The required SIGN(S) must be **POSTED** on the property **BY THE APPLICANT** within 5 days after the filing of an application. The sign(s) may be removed only after final action of the Council and must be removed within 10 days of such action.

The applicant must also pay for the required public notice stating the nature of the proposed request which is required to be published in an approved newspaper **AT LEAST 14 DAYS IN ADVANCE OF THE PUBLIC HEARING**. (The Daily Record - 10 North Newnan Street, Jacksonville, FL 32202 • (904) 356-2466 • Fax (904) 353-2628) Advertising costs are payable by the applicant directly to the newspaper and the applicant must furnish **PROOF OF PUBLICATION** to the Planning and Development Department, 214 North Hogan Street, Ed Ball Building, Suite 300, Jacksonville, Florida, 32202, prior to the public hearing.

Application Certification

I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my knowledge and belief. I also attest by my signature that all required information for this rezoning application is completed and duly attached in the prescribed order. Furthermore, if the package is found to be lacking the above requirements, I understand that the application will be returned for correct information.

Agreed to and submitted

Filing Fee Information

1) Rezoning Application's General Base Fee: \$2,000.00

2) Plus Cost Per Acre or Portion Thereof

0.18 Acres @ \$10.00 /acre: \$10.00

3) Plus Notification Costs Per Addressee

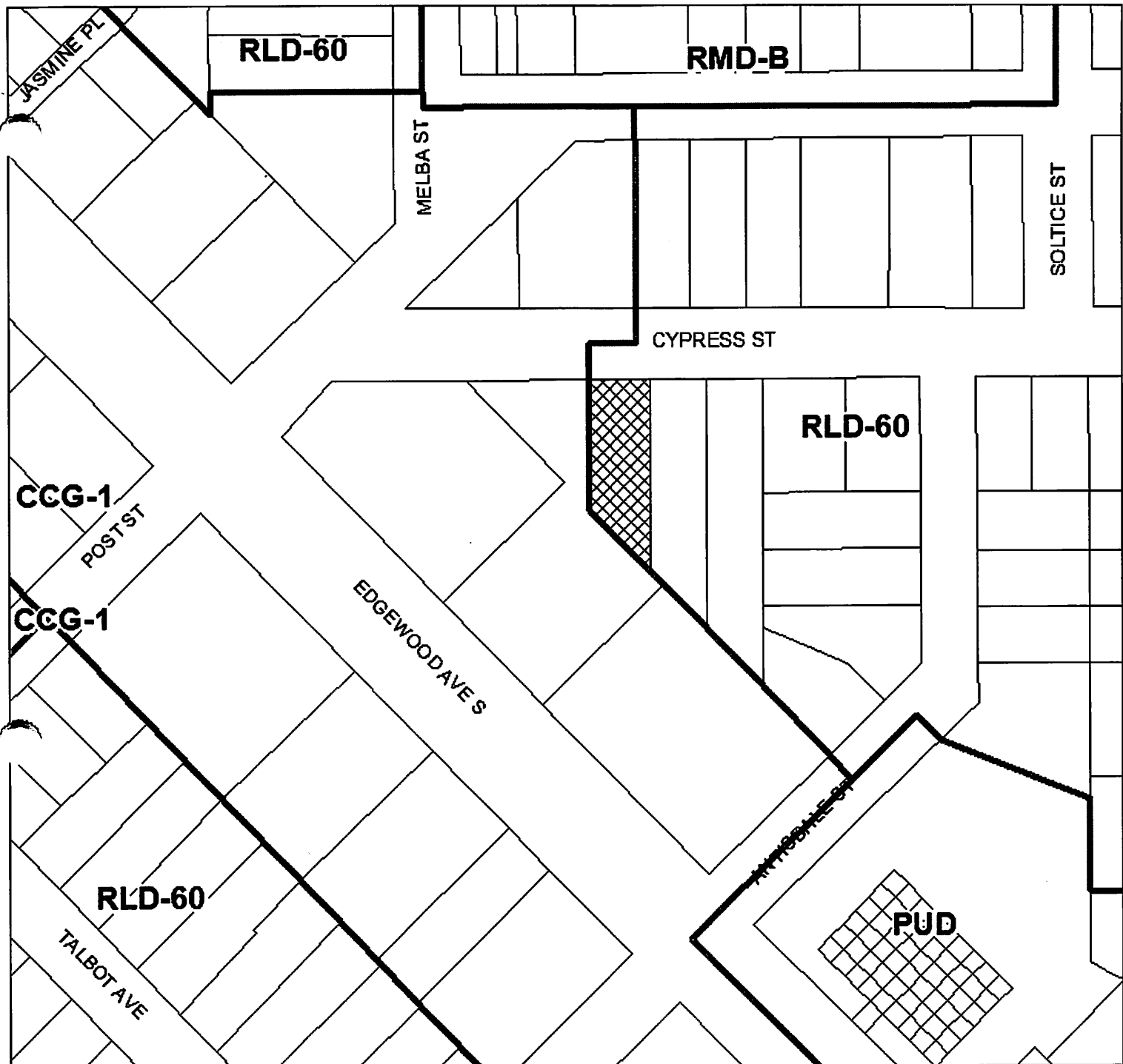
38 Notifications @ \$7.00 /each: \$266.00

4) Total Rezoning Application Cost: \$2,276.00

NOTE: Advertising Costs To Be Billed to Owner/Agent

LEGAL DESCRIPTION

Lots 6, Block 3 of SAPPINGTON SUBDIVISION OF PART OF BLOCK 76 EDGEWOOD, according to the Plat thereof as recorded in Plat Book 3, Page(s) 29, of the Public Records of DUVAL County, Florida.

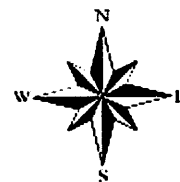
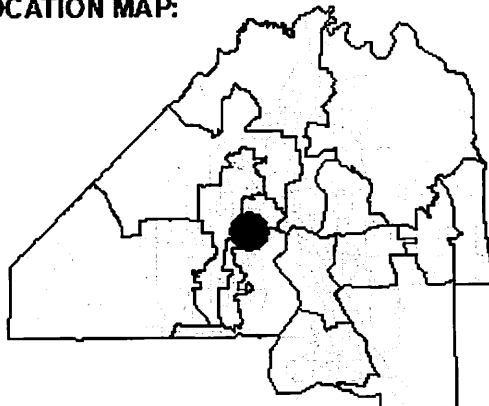


REQUEST SOUGHT:

FROM: RLD-60

TO: CCG-1

LOCATION MAP:



0 45 90 180



Feet

COUNCIL DISTRICT:

14

TRACKING NUMBER

T-2020-3245

**EXHIBIT 2
PAGE 1 OF 1**